



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,784	12/21/2000	Stefan Feuchtinger	Q62359	6391

7590 02/03/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
Suite 800
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

LEE, JOHN J

ART UNIT	PAPER NUMBER
----------	--------------

2684

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,784

Applicant(s)

FEUCHTINGER ET AL.

Examiner

JOHN J LEE

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments with respect to claims 1 – 12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2 and 7-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 2 and 7-12, The Applicant is strongly required to correct the limitations “it” and “and/or” which are indefinite because they are not clear as to what is claimed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1 – 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US Patent number 6,438,384) in view of Ditzik (US Patent number 5,983,073).

Regarding **claim 1**, Chen discloses that a radiotelephone terminal unit (10 in Fig. 2) for a subscriber, said radiotelephone terminal unit (Fig. 2) (column 4, lines 31 – 56).

Chen teaches that a portable terminal (10 in Fig. 2) which is configured to be carried around by a user allowing said user to communicate by radio with a communication data network (30 in Fig. 2) (abstract, Fig. 2, and column 1, lines 63 – column 2, lines 31). Chen teaches that a radiotelephone terminal (10 in Fig. 2) which is complementary to said portable radiotelephone terminal (20 in Fig. 2), preferably configured to remain in place, said radiotelephone terminal further configured to be used conjointly with said portable radiotelephone terminal when connected to said communication data network by a call set up via said station (Fig. 2 and column 1, lines 63 – column 2, lines 31 where teaches cordless handset unit (20) adapted to establish data/voice communication with a communication data network and handset unit (20) operably associated with the telephone base (10) for providing the incoming call signal to and for receiving the outgoing call signal). Chen also teaches that wherein complementary function of said radiotelephone terminal (10 in Fig. 2) and said portable terminal (20 in Fig. 2) can be employed by the same user having simultaneous access to both terminals (Fig. 9 and column 8, lines 8 – 40 where teaches permits two data network terminals, which are cordless handset unit (20) terminal and telephone base unit terminal (10), to access the Internet (establishing data communication) simultaneously).

Chen does not specifically disclose the limitation “portable radiotelephone terminal communicates by radio with a relay transceiver station”. However, Ditzik discloses the limitation “portable radiotelephone terminal communicates by radio with a relay transceiver station” (column 2, lines 45 – 65 and Fig. 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to

modify the Chen system as taught by Ditzik. Doing so would enhance the data signal reliability in wireless communication system.

Regarding **claim 2**, Chen and Ditzik disclose that the portable terminal (20 in Fig. 2) and a radiotelephone terminal (10 Fig. 2) are equipped with man-machine interface means or software means, which are at least partly complementary (Fig. 2 and column 1, lines 63 – column 2, lines 31).

Regarding **claim 3**, Chen and Ditzik disclose all the limitation, as discussed in claims 1 and 2. Furthermore, Chen further discloses that the portable terminal and the radiotelephone terminal include transceiver means and software means enabling them to communicate by radio with the data network terminal via a respective different radiotelephone link (Fig. 9) during a call involving said portable terminal (Fig. 2, 9 and column 8, lines 8 – 40).

Regarding **claim 4**, Chen and Ditzik disclose all the limitation, as discussed in claim 1. Furthermore, Chen further discloses that the transceiver means enables the portable terminal to communicate by radio with the data network terminal via a first link and with a radiotelephone terminal via a second link when the portable terminal is within radio range of both the data network terminal and the portable terminal (Fig. 2, 9 and column 8, lines 8 – 40).

Regarding **claim 5**, Chen and Ditzik disclose all the limitation, as discussed in claims 1 and 3. Furthermore, Chen further discloses that the transceiver means and software means of the portable terminal enables the data network terminal and the radio telephone terminal, to communicate with each other via the radiotelephone links which

selectively connect the portable terminal and radiotelephone terminal to the data network terminal (Fig. 2, 9 and column 8, lines 8 – 40).

Regarding **claim 6**, Chen and Ditzik disclose all the limitation, as discussed in claims 1 and 3. Furthermore, Chen further discloses that the radiotelephone terminal complementary to the portable terminal is connected by a cable link to the communication network to which said mobile terminal has radio access via the data network terminal (Fig. 2, 9, column 8, lines 8 – 40, and column 1, lines 63 – column 2, lines 31).

Regarding **claim 7**, Chen and Ditzik disclose all the limitation, as discussed in claims 1 and 3.

Regarding **claim 10**, Chen and Ditzik disclose all the limitation, as discussed in claims 1 and 4.

Regarding **claim 11**, Chen and Ditzik disclose all the limitation, as discussed in claims 1 and 6.

Regarding **claim 12**, Chen and Ditzik disclose all the limitation, as discussed in claims 1 and 2.

Allowable Subject Matter

6. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose “transmitter means enabling it to transmit a broadcast control channel carrier with a particular power that can be modified to another radiotelephone terminal including means enabling it to detect said carrier when it is within radio range of a terminal which includes said transmitter means, so as to enable said two terminals to communicate simultaneously and conjointly with the relay transceiver station of a communication network as the terminal having all functions specific to each of said two terminals” as specified in the claims.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Freadman (US Patent number 6,546,262) discloses Cellular Telephone Accessory Device for a Personal Computer System.

Oba et al. (US Patent number 6,574,488) discloses Information Processing Apparatus and Method and Display Control Apparatus and Method.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Aung Maung**, can be reached on **(703) 308-7745**. Any inquiry of a general nature or

Art Unit: 2684

relating to the status of this application should be directed to the Group receptionist
whose telephone number is (703) 305-4700.

J.L
January 13, 2004

John J Lee


NAY MAUNG
SUPERVISORY PATENT EXAMINER